CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

May 18, 2004

INVOCATION
Reverend Gary Hanson of Bethel Lutheran Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG
Councilmember Patino led the pledge of allegiance.

ROLL CALL
MEMBERS PRESENT
Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino.

ALSO PRESENT
City Manager Ness, Assistant City Manager Haydon, City Attorney Montandon, Director of Administrative Services Cox, Director of Public Works Karp, Fire Chief Ortiz, Police Chief Macagni, Director of Recreation and Parks Posada, Utilities Manager Chisam, City Engineer Sweet, Planning Division Manager Bierdzinski, Code Compliance Supervisor Garcia, and Chief Deputy City Clerk Perez.

COMMENDING CODE COMPLIANCE VOLUNTEERS
Councilmember Trujillo read a proclamation commending Winfield Ervin Rinker and Leonard Frank Weiss for their enthusiasm, integrity, dedication, and generous donation of time in assisting, handling, and abating a significant number of blight related cases for the Code Compliance Division of the City Attorney's office. The proclamations were accepted by Winfield Rinker and Leonard Weiss.

VOLUNTEER OF THE MONTH
Councilmember Orach presented a gift to Jill Targer, the Recreation and Parks Volunteer of the Month for May 2004, for her commitment to the community and the Cultural Corner Center including the day to day operations, recruitment and training of volunteers, along with scheduling the gallery shows at the Chamber of Commerce, Santa Maria Public Airport, and the Elwin Mussell Senior Center. He also presented her with a Certificate of Appreciation from the Recreation and Parks Commission.

CONSENT CALENDAR
Councilmember Orach requested Items 2M and 2N be pulled for discussion. Ernest Armenta also requested Item 2M be pulled.

Item 2M – Approval of well water flat rate fee for irrigation at the Santa Maria Public Airport.

Councilmember Orach asked for clarification that the approval of the fee would be for irrigation of the landscaping and not for anything else at the airport.

Director of Public Works Karp explained that it would be strictly for irrigation of landscape areas.

Ernest Armenta commented that the residents of Santa Maria pay for their water use; and even though the airport is a public agency, they should not be given a lesser water rate than the residents have to pay. He asked how much the general public paid for water and expressed concern that a public agency paid less than residents.

Director Karp explained that the City Council had established the rate when the School District wanted to build their own wells. The District was told they could build the wells if they dedicated them to the City. That was when the rate was established. It is not a flat rate but rather based on usage. Residents pay close to $3.00 per cubic foot of water because it is a combination of well water and state water which is more expensive.

City Manager Ness explained that there was a big difference between the quality of well water and state water. The benefit to the City and the residents is that state water was being saved for residential and commercial uses, not used for irrigation of landscaping.

Item 2N - Used Oil Recycling Grant Application
Councilmember Orach asked if this would include cooking oils or just lubricating oils.

Director Karp explained that cooking oils were currently dealt with at the Wastewater Treatment Plant. This would be mostly for crankcase oils and oil filters.

Consent Calendar Items A through O, were accepted, approved with the indicated action, and ordered ratified on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
Recommendation of City Staff to waive the reading in full of all ordinances. Ordinances on the Consent Calendar will be adopted by the same vote cast at the first reading unless City Council indicates otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of May 4, 2004, were approved as submitted.

C. FINAL ALLOCATIONS
Resolution No. 2004-75 was adopted approving the final allocations and activities for use of federal funds under the Community Development Block Grant Program (CDBG) and the HOME Investment Partnerships Program (HOME) for Fiscal Year 2004-2005, and authorizing the City Manager to execute the necessary documents on behalf of the City of Santa Maria for application of the funds.

Resolution No. 2004-75 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE FINAL ALLOCATIONS AND ACTIVITIES FOR USE OF FEDERAL FUNDS UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND THE HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM FOR FISCAL YEAR 2004-2005 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS ON BEHALF OF THE CITY OF SANTA MARIA FOR APPLICATION OF THE FUNDS.

D. RELEASE OF BONDS
Council accepted as complete the construction and installation of boundary walls and authorized the release of a Faithful Performance Bond for River Oaks North, Tract 5778, Phase 4, in the amount of $69,966 with the order that the Contractor, Labor and Material Bond be held for six months.

E. WARRANTS
Warrant Nos. 112427 to 112731 in the amount of $1,385,668.24 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 112369, and 112399 were cancelled.

F. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads as shown on records on file in the Administrative Services Department and having been approved for payment by the Director of Administrative Services.

G. ALCOHOLIC BEVERAGE LICENSE
Council noted and filed a Notice from the California Department of Alcoholic Beverage Control of an application for an Alcoholic Beverage License in an existing warehouse (Type 02, Winegrower) for the business Ovene Winery located at 2717 Aviation Way (Central Coast Wine Warehouse).

H. FOUR-WAY STOP
Resolution No. 2004-76 was adopted approving the establishment of a four-way stop control at the intersection of West Alvin Avenue and North Western Avenue.

Resolution No. 2004-76 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ESTABLISHING A FOUR-WAY STOP CONTROL AT THE INTERSECTION OF WEST ALVIN AVENUE AND NORTH WESTERN AVENUE PURSUANT TO SECTION 7-5.20 OF THE SANTA MARIA MUNICIPAL CODE.

I. NO STOPPING ZONE
Resolution No. 2004-77 was adopted approving the establishment of a no stopping zone on North College Drive along the western curb line, beginning 23 feet south of the southern right-of-way of Vickie Avenue, then commencing west 40 feet.

Resolution No. 2004-77 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A NO STOPPING ZONE ON NORTH COLLEGE DRIVE PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

J. NO STOPPING ZONES
Resolution No. 2004-78 was adopted approving the establishment of two (2) no stopping zones on Southside Parkway along the southern curb line, beginning 407 feet west of the eastern right-of-way of College Drive, then commencing west 17 feet; and on Southside Parkway along the southern curb line, beginning 465 feet west of the eastern right-of-way of College Drive, then commencing west 10 feet.

Resolution No. 2004-78 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING NO STOPPING ZONES ON SOUTHSIDE PARKWAY PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

K. NO STOPPING ZONE
Resolution No 2004-79 was adopted approving the establishment of a no stopping zone on Thornburg Street along the eastern curb line, beginning 18 feet west of the northern right-of-way of Dal Porto Lane, then commencing west 63 feet.

Resolution No. 2004-79 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A NO STOPPING ZONE ON THORNBURG STREET PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

L. NO STOPPING ZONE
Resolution No. 2004-80 was adopted approving the establishment of a no stopping zone on West Donovan Road along the northern curb line, beginning 21 feet east of the eastern right-of-way of North Pine Street, then commencing west for 85 feet.

Resolution No. 2004-80 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A NO STOPPING ZONE ON WEST DONOVAN ROAD PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

M. WATER RATE FOR AIRPORT IRRIGATION
Resolution No. 2004-81 was adopted approving a well water flat rate fee for irrigation services used at the Santa Maria Public Airport District.

Resolution No. 2004-81 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AN IRRIGATION WATER RATE FOR IRRIGATION SERVICES USED TO IRRIGATE THE SANTA MARIA PUBLIC AIRPORT DISTRICT FACILITIES.

N. USED OIL RECYCLING BLOCK GRANT
Resolution No. 2004-82 was adopted authorizing the City to apply for Used Oil Recycling Block Grant funds pursuant to the California Oil Recycling Enhancement Act.

Resolution No. 2004-82 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING APPLICATION FOR USED OIL RECYCLING BLOCK GRANT FUNDS FOR THE TENTH CYCLE.

O. LANDSCAPE DISTRICT ASSESSMENTS
Resolution No. 2004-83 was adopted approving the Engineer's Report for the City's four landscape maintenance districts, and Resolution No. 2004-84 was adopted declaring an intent to levy and collect the 2004-2005 property tax assessments for each of the four landscape maintenance districts and the ten special benefit zones, and setting a public hearing for July 6, 2004, to consider approval of the proposed landscape assessments.

Resolution No. 2004-83 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE ENGINEER'S REPORTS FOR ASSESSMENT PROCEEDINGS.

Resolution No. 2004-84 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON FOR THE FOUR LANDSCAPE MAINTENANCE DISTRICTS.

PUBLIC COMMENT
Buck Swetkovich spoke regarding Comcast Cable rates and service.

Mickey Freeman spoke regarding street vendors.

Ernest Armenta complimented the new center islands on North Broadway at Donovan and suggested the vacant lots north of Donovan on North Broadway be fenced and landscaped by the property owners to improve the appearance of the City's gateway. He also spoke regarding having the softball leagues and baseball leagues improve the neighborhood baseball fields.

STOWELL GAP PROPERTY
City Engineer Sweet gave the staff report. This public hearing was continued from the April 20, 2004,City Council meeting at which time the origin, ownership, and current use of the Stowell Gap property was described. All of the Victoria Gardens lots have occupied the Stowell Gap property except 1340 and 1336 South Wallis Avenue. The adjacent Stowell Manor lots at 1353 and 1357 South Thornburg have located a block wall and a wood fence respectively on the westerly line of the Stowell Gap property, while their rear lot line is on the easterly line of the Stowell Gap property. The City Council directed staff to contact the above property owners and the owners of 1402 South Wallis and 1357 South Thornburg regarding their desire for the ownership of the Stowell Gap property. The City Council also determined that the balance of the Stowell Gap property should be granted to the Victoria Gardens adjacent lots. As a result of an on-site visit, and face-to-face meetings or phone conversations with the owners, staff has determined that Parcel A: 1402 South Wallis currently occupies the Stowell Gap property and wants the property. 1357 South Thornburg does not occupy the property and does not want it. Parcel B: 1340 South Wallis does not currently occupy the Stowell Gap property but would like to have it. 1353 South Thornburg does occupy the property and also wants it. Parcel C: 1336 South Wallis currently does not occupy the Stowell Gap property but wants the property. 1349 S. Thornburg does occupy the property and wants it as well. Staff has suggested several

options for the Council. Option 1 is to give the Stowell Gap property to the adjacent South Wallis Avenue property owners (Victoria Gardens), except for 1340 South Wallis Avenue and 1336 South Wallis Avenue, which would be given to 1353 South Thornburg and 1349 South Thornburg. Option 2 is to give the Stowell Gap property to the adjacent South Wallis Avenue property owners, except for 1340 South Wallis Avenue and 1336 South Wallis Avenue, which would be sold to 1340 South Wallis Avenue or 1353 South Thornburg and 1336 South Wallis Avenue or 1349 South Thornburg based upon the highest sealed bids.

Mayor Lavagnino opened the public hearing.

Mayor Lavagnino suggested taking each Parcel individually.

Parcel A: 1402 South Wallis and 1357 South Thornburg
Since there was agreement between the two property owners involved in Parcel A, Councilmember Mariscal moved to grant the property to 1402 South Wallis. Councilmember Orach seconded the motion. The motion carried unanimously.

Parcel B: 1340 South Wallis and 1353 South Thornburg
City Engineer Sweet explained there was a masonry wall and a grade difference between these two properties which may limit Mr. Andradi's ability to access the Stowell Gap property.

Ignacio Andradi, 1340 South Wallis, indicated in the ten years he had lived there, the Stowell Gap property had been taken care of; but the new owners were not taking care of it. He requested he be granted the property, and he would maintain it. He would cut a hole in the wall and put in steps so he could take care of the property.
Robert Abajados, 1353 South Thornburg, stated he did not want to give up the property. He mowed the grass and had planted flowers.

Councilmember Mariscal asked if there was only one wall between the two properties and if it was a masonry wall.

City Engineer Sweet explained that it was a masonry wall belonging to Mr. Andradi.

Councilmember Mariscal asked Mr. Andradi if he would be willing to construct a new masonry wall for Mr. Abajados if he were given the property.

Mr. Andradi indicated he would be willing to hire a contractor to build a sturdy wooden fence for Mr. Abajados.

Mayor Lavagnino indicated he could not see taking the property away from one property and giving it to the other when Mr. Abajados had been enjoying the use of it for so many years.

Councilmember Trujillo stated he thought splitting the property in half seemed to be the best alternative.

City Engineer Sweet explained how this triangle piece of City property between the two subdivisions came to be based on a surveying error 40 years ago.

Councilmember Orach said he agreed with Councilmember Trujillo that splitting the property in half was the best solution. Then, if the property owners wanted to negotiate a purchase with their neighbor, they could do that.

Councilmember Patino also agreed to splitting the property. She asked if Mr. Abajados would be required to build a new back fence. Since 1958 the Parks Family, the previous owner, had taken care of the property and considered it part of their back yard.

City Attorney Montandon stated that one of the problems with splitting the property between the two properties was that the Council would be creating two six-foot pieces of

property with a grade difference. If the City did not own the property, then the property owner who had used the property for more than five years would have the right to it.

Parcel C: 1336 South Wallis and 1349 South Thornburg
City Engineer Sweet explained that these two properties did not have a grade differential like Parcel B, and there was an old wooden fence not a masonry wall.

Everado Garcia, 1336 South Wallis, indicated that if the other property owner did not want the property, she would like to have it and would build a new fence. She was willing to spend the money to fix it up.

Roman Salvador, son of Lino Salvador owner of 1349 South Thornburg, read a letter from his father requesting that he be given the property since he purchased the property in 1984, and the Stowell Gap property had been used as part of his property.

Mary Brown, property manager for Lino Salvador, indicated she had managed the property for Mr. Salvador since 1987, and both she and Mr. Salvador had believed it was part of his property.

Ralph Guerrero, 1343 South Thornburg Street, stated he felt he was being penalized for staying within the law and not using the property illegally. His neighbors had used the property even though it was owned by the City, and they were being rewarded.

Tina Centeno, 1324 South Wallis, asked for clarification. Her fence was on her property line and her neighbors fence was on their property line. If the City gave the property to the South Wallis address, there would still be a 13 foot gap between the fences.

City Engineer Sweet explained that once the property was deeded to the South Wallis property, it would be up to the property owner to move the fence or put a gate in the fence or whatever they wanted to do.

Mayor Lavagnino closed the public hearing.

Councilmember Mariscal commented that with the exception of Parcels B and C, all the other Stowell Gap property was being deeded to the South Wallis properties. With relation to Parcel B, Mr. Abajados has enjoyed the privacy of the masonry wall for a long time. If Mr. Andradi was given the property, he should be required to build Mr. Abajados a new masonry wall. With that condition he would be willing to deed the property to the South Wallis address.

On motion by Councilmember Mariscal, seconded by Councilmember Orach, and carried unanimously, the Stowell Gap property was to be deeded to 1340 South Wallis with the condition that a new masonry wall of the same type be constructed within 120 days for 1353 South Thornburg.

Councilmember Mariscal commented that with relation to Parcel C, he would be willing to give the property to Ms. Garcia at 1336 South Wallis with a similar condition.

On motion by Councilmember Mariscal, seconded by Councilmember Orach, and carried unanimously, the Stowell Gap property was to be deeded to 1336 South Wallis with the condition that a new fence of the same type be constructed within 120 days for 1349 South Thornburg.

City Attorney Montandon recommended an amendment to Resolution No. 2004-85, after the "Now, therefore, be it resolved" clause, second line of the indented paragraph, the words "to the adjacent Victoria Gardens subdivision lot owners" be deleted and Exhibit A be updated to reflect the Council's action.

Resolution No. 2004-85 was adopted as amended on motion by Councilmember Patino, second by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2004-85 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING THE TRANSFER OF THE STOWELL GAP PROPERTY FOR THE COMMON BENEFIT TO THE CONTIGUOUS VICTORIA GARDENS SUBDIVISION LOT OWNERS.

LAND USE ALTERNATIVES FOR SILVA ESTATES

Planning Division Manager Bierdzinski gave the staff report. On March 2, 2004, the City Council failed to certify the Silva Estates Final Environmental Impact Report. Without a certified Final EIR, no action could be taken to approve the proposed project. The applicant has now submitted six project alternatives for discussion. The Planning Commission discussed the six alternatives during a study session on May 6, 2004. The Planning Commission expressed the preference for the Single-Family Detached lots having minimum 60-foot widths and at least 6,000 square feet. Four of the five Commissioners felt that the alternative showing Single-Family Attached row houses along Main Street, providing both density and buffer, with 60-foot wide single family detached lots would also be acceptable. He explained that the Planning Commission had also suggested that the R-2 zoning wrap around and up Fremont Street.

Mayor Lavagnino asked if the Planning Commission's suggestion of extending the R-2 zoning up along Fremont Street was taken into consideration, how many units could the developer get on the R-1 zoned property with 10,000 square foot lots instead of 6,000 square foot lots.

Planning Division Manager Bierdzinski explained that the R-2 zoning would allow 52 units. The 10,000 square foot lots would be approximately three lots per acre or 45 to 50 units.

Laurie Tamura, Urban Planning Concepts, explained that at the last City Council meeting where this project was discussed there was concern about the relationship of the piece of property on the east side of Fremont Street to the remaining agriculture land. That property is not being included at this time. The proposed Scheme 1 would be R-1 6,000 square foot lots that were 60 foot wide. Scheme 2 would have 15 acres in R-1 6,000 square foot lots and 5 acres in R-2 12 units per acre. Scheme 2 would not be their preferred option. They are requesting direction from Council. She commended staff for assisting them.

Councilmember Mariscal said he preferred Scheme 2. He asked how wide of a buffer there would be between the agricultural land on the south side of Main Street and the homes fronting on Main Street.

Ms. Tamura explained that it would be about 120 feet to the wall of the project. Depending on the architectural style of the units, it could be greater if the backyards of the units backed up to the wall.

Paul Highfill, 1723 Rios Court, commented that he thought the property on East Main Street should be zoned commercial, not residential. The owners of these houses would be impacted by the lights and noise of the football and baseball fields at the high school. This area really needed a mini mall to serve the residents.

Randy Alonzo, Inland Pacific Builders, explained that on the 40 acres to the east of Fremont Street, they would like to have 5 or 10 acres of commercial because they did see a need for it in the area.

Mayor Lavagnino stated there are more and more people who think the 4,000 and 5,000 square foot lots are too small. Developers haven't been building houses on 10,000 square foot lots like what was proposed in the original plan for this project. If the City wants to entice businesses to Santa Maria and their executives, there needs to be more larger lots

and executive-type housing. He agreed that Scheme 2 was probably the best for this particular property.

Councilmember Trujillo commented that if the City wanted to bring higher-paying jobs to Santa Maria, it needed a place for the executives to live. He would like to see a greater number of bigger homes mixed into the developments. The City could not continue to build smaller homes or it would become a bedroom community.

Laurie Tamura stated she thought the building community had heard the Planning Commission and City Council on the need for larger lots. There were projects in the process. This area was probably not a good location for larger lots because of the high school.

Councilmember Mariscal liked Scheme 2 with the R-2 extending along Fremont Street as suggested by the Planning Commission.

Councilmember Patino agreed.

Councilmember Trujillo indicated he preferred Scheme 1, but would go along with Scheme 2.

Councilmember Orach supported Scheme 2 but did not see the need to extend the R-2 along Fremont Street.

Mayor Lavagnino indicated that Scheme 1 was too cookie-cutter. He would support Scheme 2 but was not sure of the need to extend it along Fremont Street.

REPORT BY CITY MANAGER

City Manager Ness reported on items for the June 1, 2004 City Council meeting including public hearings for the SMAT Maintenance Contract and an appeal of the denial of the application for a Certificate of Public Convenience and Necessity for Yellow Cab Company, and setting a public hearing for the 2004-06 budget which would be held on June 15th.

ORAL REPORTS OF COUNCILMEMBERS AND OFFICERS

Councilmember Trujillo reported on his attendance at the grand opening of the childcare center at the Courtyard Apartments.

Councilmember Patino asked what was being done about abandoned shopping carts, a problem which seemed to be getting worse.

Councilmember Mariscal reported that he and Councilmember Orach had attended the Special Olympics. He also reported on the grand opening of the Pacific Beverage Company facility.

Mayor Lavagnino commended Chief Macagni and the Police Department for the moving Police Memorial event and dedication ceremony on May 12th.

CLOSED SESSION

The City Council recessed at 9:00 p.m. to a Closed Session for Conference with Legal Counsel regarding existing litigation pursuant to Subsection (a) of Government Code Section 54956.9 to discuss Santa Maria Valley Water Conservation District v. City of Santa Maria, and a Conference with Legal Counsel regarding anticipated litigation pursuant to Subsection (b) of 54956.9 of the Government Code.

After the Closed Session, the following was announced:

Santa Maria Valley Water Conservation District v. City of Santa Maria – Status report. Direction to staff.

Anticipated Litigation – Direction to staff.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned at 10:15 p.m. by order of Mayor Lavagnino.

APPROVED June 1, 2004
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST:
Chief Deputy City Clerk

Mayor of the City of Santa Maria